

# Notice of Allowability

Application No.

09/454,223

Examiner

Cherie M. Woodward

Applicant(s)

KORNBLUTH, RICHARD S.

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview of 6 July 2007.
2. ☒ The allowed claim(s) is/are 7 and 16-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
GARY B. NICKOL, PH.D.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

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## **EXAMINER'S AMENDMENT**

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Applicant's representative Daryl Basham on 12 July 2007 at 1:40pm. Authorization was given to amend the claim language of claims 16, 25, and 26 by Examiner's Amendment, cancel claims 1-6 and 9-15n and pass the case to issue.

**In the claims:**

Cancel claims 1-6 and 9-15.

In claim 16, line 3, replace the phrase "any of TNFSF4-TNFSF18." with the phrase "any of TNFSF4-15 and TNFSF18."

In claim 25, line 2, replace the phrase "CD27L/CD70L." with the phrase "CD27L/CD70."

In claim 26, line 2, replace the phrase "SPD-CD27L/CD70L." with the phrase "SPD-CD27L/CD70."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cherie M. Woodward whose telephone number is (571) 272-3329. The examiner can normally be reached on Monday - Friday 9:00am-5:30pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol can be reached on (571) 272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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## EXAMINER'S COMMENTS

### *Interview Summary*

1. A telephonic interview was held with Applicant's Representative, Daryl Basham, on 6 July 2007 at 2:00pm. The Interview Summary is attached. The interview assisted the Examiner in understanding the scope of the claimed invention and the claims, as amended. As a result of the interview, the Examiner has reconsidered the previous rejections under 35 USC 112, first paragraph, and 35 USC 112, second paragraph. Accordingly the rejections are withdrawn.

### *Claim Objections/Rejections – Withdrawn*

2. The rejection of claim 7 under 35 USC 112, first paragraph, as failing to comply with the written description requirement, in the Office Action of 10/31/2006, is withdrawn.
3. The rejection of claims 7 and 16-28 under 35 USC 112, second paragraph, in the Office Action of 10/31/2006, is withdrawn.
4. The rejection of claims 7 and 16-28 under 35 USC 103(a), as being unpatentable over Hoppe et al., (US Patent 6,190,886) in view of Maraskovsky et al., (US Patent 6,017,527), in the Office Action of 10/31/2006, is withdrawn.
5. The rejection of claims 7, 16-21, 23, and 27-28 under 35 USC 112, first paragraph, scope of enablement, in the Office Action of 4/17/2007, is withdrawn.
6. The rejection of claims 7, 25, and 26 under 35 USC 112, second paragraph, in the Office Action of 4/17/2007, is withdrawn.
7. The objection over claims 7, 25, and 26, is withdrawn in light of the Examiner's Amendment, attached.

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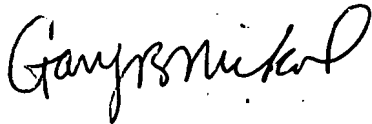
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GARY B. NICKOL, PH.D.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600